

**TESTIMONY OF  
IVAN D. POSEY, CHAIRMAN  
SHOSHONE BUSINESS COUNCIL  
OF THE  
EASTERN SHOSHONE TRIBE  
OF THE  
WIND RIVER RESERVATION  
ON THE GOALS AND PRIORITIES OF THE  
MEMBER TRIBES OF THE  
MONTANA WYOMING TRIBAL LEADERS COUNCIL  
FOR THE  
107<sup>TH</sup> SESSION OF THE CONGRESS**

**July 12, 2001**

My name is Ivan Posey. I am Chairman of the Business Council for the Eastern Shoshone Tribe of the Wind River Reservation in Wyoming. The Tribe appreciates the Committee's request for input on the goals and priorities of member tribes of the Wyoming Montana Tribal Leaders Council. The Tribe looks forward to working with the distinguished Senators on the Committee, including our own Senator Craig Thomas, to move these priorities forward.

The Eastern Shoshone Tribe has 3,500 members. Our Reservation was established by a Treaty with the Shoshone Tribe on July 3, 1868. The Wind River Reservation contains 2.4 million acres in west central Wyoming. We are the only Reservation within the State of Wyoming. Our Reservation is shared with the Northern Arapaho Tribe. The Reservation has approximately 7,000 American Indians and 9,000 non-Indians.

For the leaders of the Eastern Shoshone Tribe, the number one priority is to ensure that our youth and young adults have opportunities for the future. To provide these opportunities will not be easy. The high school graduation rate for Indian people is 65%. Our infant mortality rate is 150% higher than the national average. The median age of our reservation residents is 25 years of age. On the Wind River Reservation, the unemployment rate is 46%. The median household income is \$11,290 compared with \$33,197 for other residents of our state. One third of our dwellings have more than one family living in the home.

Our Tribe needs the tools to create quality living conditions on our reservations. We do not seek a handout, but seek a level playing field so that as sovereigns we can create a climate for economic development on a level playing field with states and local governments. For example, the Tribes on the Wind River Reservation generate \$128 Million in economic activity and 1600 jobs within Fremont County, Wyoming. However, of the \$15 million collected each year by the State of Wyoming in severance taxes

each year from our resources, only \$9.7 comes back in the form of State funded services. We are clearly contributing, but not benefitting from our own resources. Our Tribe seeks federal funding and authorities commensurate with what states and local governments have received over the years to create viable economies. Funding which in many cases was based, in part, on Native American populations, but which never showed up in comparable services to Native American citizens of those states. In addition, we need to eliminate the multiple levels of outside governmental interference such as state taxation which hinder our ability to create viable economies. While several goals and priorities of my Tribe include additional federal funding, those request merely attempt to achieve parity with federal benefits provided for decades to the non-Indian citizens of this country. Now is the time to address the past and current shortfalls and bring American Indians to parity with other citizens.

## **I. EDUCATION**

Our number one priority is education. A solid education in the basics: reading, writing, and mathematics, combined with teaching of Native American values of respect for people, wise use of natural resources, and perseverance to achieve success are key to self-determination and self-sufficiency for our Tribal members.

The United States promised education resources in exchange for the hundreds of millions of acres of land we gave to the United States. Land which the United States selected, in part, because of its value for generating money. However, we have been kept from receiving our bargained for share of the dollars for education generated from our lands. Moreover, many non-Indian public schools which serve no Indian children are allowed to tax our natural resources, thus taking resources away from our kids. Importantly, our Treaty guaranteed education resources even though the Eastern Shoshone Tribe does not have a BIA school on our Reservation. Our Tribe needs to have its Treaty rights honored in the area of education.

We need the tools to provide educational opportunities equal to those of other citizens of this great country. Early childhood learning is fundamental to success in education. Programs such as the Early Intervention Program, Early Headstart, and Headstart have proven track records. However, many of these programs on our Reservation cannot serve all the children who need the benefits of the programs. We have a waiting list of 50 children for Earlystart and 25 children for Headstart. In addition, basic infrastructure to serve these programs such as adequate and safe buildings is lacking.

Grade school and high school students also need resources and tools equal to that of other Americans. First, we need funding at levels to attract quality teachers to rural communities. The reality today is that we must compete for teachers with large metropolitan populations. Second, we need adequate physical facilities including science labs, computers, and high speed Internet access to make sure our children are ready to take their productive place in society. A key component of attracting jobs to the Reservation is a qualified workforce.

To complete the education process, our children need access to quality college educations. Culturally our people value being near to our families and our homelands. In addition, the low economic activity on reservations requires many household members to help with putting food on the table. For example, our Reservation has a median household income of \$11,920 per year. Thus, going away to college puts a unique burden on our people. We need Tribal colleges located near our communities. In addition, for those members who choose to attend other colleges and universities, we need the scholarship resources which will allow them to attend quality schools. For example, in the past we were able to fund 32 students per academic year, while we had an unmet need of 147 students. The Eastern Shoshone Tribe currently appropriates approximately \$500,000 of tribal funds for higher education.

## **II. HEALTH CARE**

Quality health care is crucial to an adequate standard of living. Historically, access to quality health care for American Indians has lagged far behind the national average. I cannot urge strongly enough to increase the funding for the Indian Health Service to allow my people to obtain health care available to the average citizen. Significantly, the shortage of funding for the Indian Health Service means that preventive and routine care gets short changed in order to meet catastrophic and emergency care needs. Provision of preventive or routine care in the long run can save costs either (1) by reducing the incidences of catastrophic diseases such as diabetes, cancer, and heart disease, or (2) catching the disease at an early stage when treatment is most effective.

Parity and equal treatment in health care funding and services for American Indians is needed. Our service unit is the lowest funded service unit within the Billings Area. Moreover, per capita health care expenditures for the Wind River Service Unit are tragically inadequate when compared to the per capita expenditures that are made on health care for the rest of the United States population.

Based on the Level of Need Funding (LNF) Study, our service unit has a per capita health expenditure amount that is 49 % lower than the cost of health benefits that are provided to federal employees and members of the United States Congress. An increase in funding of \$2,535,757 is needed to bring the service unit to 60 % and a total of \$12,714,575 in additional funding is needed by the service unit to bring our per capita health expenditures to 100 % of what is offered to federal employees and members of the United States Congress.

Beside the overall need for increased resources, there are a few key areas which deserve special attention:

A. Pharmaceutical Supplies (Separate Budget Line Item)

A separate budget line item needs to be established for pharmaceutical supplies within the Indian Health Service (IHS) budget. Creation of a new budget line item will allow the IHS to improve its planning and to more efficiently and effectively manage its resources. The costs associated with pharmaceutical purchases for patient care continue to escalate at astronomical rates. The annual inflation rate for pharmaceutical supplies continues to be consistently higher than the inflation rates for medical care and other medical supplies. The national pharmaceutical inflation rate has been increasing an average of 12 to 14 % for the last five years.

During FY 2000, our service unit had an overall 34.79 % increase in its prime vendor pharmaceutical expenditures as compared to the same time period in FY 1999. These increases are directly attributable to the escalation in pharmaceutical prices. The number of prescriptions filled has only had a minor impact on the increases in pharmaceutical expenditures. The number of prescription filled in FY 2000 only increased by 4.28 %. (Exhibit # 1 shows the calculations for the pharmaceutical expenditure increases and the demand for prescriptions filled.)

In order to compensate for the significantly high expenditure levels and escalating costs associated with pharmaceutical supplies, our service unit has had to divert all cost savings that are contained in other budget categories (such as lapsed salaries and benefits) to the pharmaceutical supply budget category. In essence, the service unit has been required to operate in a survival mode due to the escalating pharmacy costs. This has negatively impacted health care services and has taken resources from other important activities that the service unit could be performing - such as preventive health care. In FY 1999, the service unit had an approved budget of \$750,000 to purchase pharmaceutical supplies, but actually spent \$881,000. This represents a 17.47 % cost overrun that had to be funded from other budget sources.

B. Contract Health Services

Contract Health Services (CHS) represent health care services that IHS is unable to provide to its patients directly. These cases are referred to private doctors and hospitals for the provision of health care services. CHS is typically utilized in situations where a tribal or direct care facility does not exist or when a direct care facility is not capable of providing the necessary emergency and/or specialty patient care that is required.

The Catastrophic Health Emergency Fund (CHEF) was established solely for the purpose of meeting the extraordinary medical costs associated with the treatment of victims of disasters or catastrophic illnesses who are within the responsibility of IHS. These resources are expended according

to the basic requirements of the CHS program and are utilized to partially reimburse IHS direct and tribally contracted programs for expenditures made on behalf of patients who incur extraordinary medical costs.

The funds that are appropriated for CHS and CHEF are not adequate. Additional funds need to be appropriated for these two budget line items.

In FY 1999, our service unit was allocated a CHS recurring base budget of \$4,999,926. During the fiscal year, the service unit ended up having to spend \$6,182,912 because of a significant increase in the demand for emergency and acute health care services. Of the \$6.2 million that was expended, a total of \$1,345,048 was spent on high cost cases that were eligible for CHEF reimbursement. The service unit received 47.58 %, or \$639,986, of the total CHEF reimbursement that it was eligible to receive. The service unit was unable to get full reimbursement due to the problem that all CHEF funds had been totally depleted early in the fiscal year. The appropriations authorized for CHEF need to be increased to a more practical level, one that truly reflects the actual need.

There is not enough CHS dollars to adequately fund the health care needs of the Wind River Reservation population. Patients are being placed on deferred waiting lists because their medical priority is not high enough to meet the level of funding at the time of their referral. Typically, these cases turn into emergencies and require higher expenditures of CHS funds in the long run. Minor medical problems progress and become acute or life threatening, necessitating high expenditures of CHS funds to take care of critical or emergency medical care problems. During the first three months of FY 2000, the Wind River Service Unit accumulated a deferred CHS patient list that contains \$84,465 in deferred medical services. (Exhibit # 2 contains the deferred CHS patient list.)

### C. Dental Resources

Dental services are one of the most sought after services on the Wind River Reservation. Lack of adequate resources to hire qualified professional staff has resulted in long waiting lists of patients that need or desire treatment. Based on the service unit's user population of 9,589, and the service minutes that it takes to perform routine dental procedures, a dental staff that includes 9 dentists, 22 dental assistants, 2 receptionists, and 20 dental chairs is needed to provide adequate dental services on the Wind River Reservation. The service unit currently has 5 dentists, 10 dental assistants, 0 receptionists, and 12 dental chairs. This staffing level represents funding at 55 % of actual need. Patient access to adequate and standard dental health care is severely limited throughout the Indian Health Service. Only 25 percent of the service population has access to dental care.

D. Third Party Resources/Reimbursements

On July 1, 2001, our service unit was granted authority to bill and collect for health care services that are provided to Medicare patients. The inclusion of Medicare as a third party resource represents a significant opportunity for the Wind River Service Unit. It will provide additional resources that are critical to the ongoing financial viability and continued operation of the service unit. Historically, third party reimbursements (which have included Medicaid and private insurance only) have provided funding for approximately 20 % of the service unit's annual budget. Without third party resources, the service unit would be severely limited in the health services that it provides to its patients.

The intent of billing and receiving payments from third party resources, such as Medicare and Medicaid, is to enhance health care services to American Indians. But, due to inadequate appropriations for the Indian Health Service budget, they have been used to supplement American Indian health care services and not for enhancement as they were originally intended. (Exhibit # 3 contains information regarding third party reimbursements for the Wind River Service Unit.)

E. Transfer Indian Health Service Budget

The budget that funds the Indian Health Service needs to be transferred from the Department of Interior and be placed under the Department of Health and Human Services. The Indian Health Service deals specifically with health care for living human beings. It is unconscionable that citizens of the United States, who have been promised standard health care through treaties and are in dire need of such services, have to compete with animals, trees, and birds for funds to meet a most basic human need of adequate health care. By transferring the Indian Health Service budget to the Department of Health and Human Services, American Indians will be afforded the same benefits that are enjoyed by other citizens of the United States and the state of Wyoming. Anything less will not be equal treatment or fair.

### **III. IRRIGATION**

One cannot have a viable economy and the decent standard of living without adequate quantities and quality of water resources. The United States litigated successfully over decades to secure water rights for the Tribe. It would be a travesty of justice to fail to provide resources to put that water to use in beneficial manner. The United States spent decades providing free or low cost funds to develop massive subsidized water infrastructure for non-Indians all over the West while Indians were left in poverty. We deserve the same level of resource development funds provided to our non-Indian neighbors. The Wind River Reservation requests \$65,000,000 to rehabilitate and improve the irrigation systems and water supply serving trust lands on the Reservation. The funding will be used for improvements to the physical, management, finance, and maintenance systems serving those lands.

The BIA irrigation project on the Wind River Reservation is a serious state of disrepair. As of 1994, over 60 % (1200 structures) needed repair or replacement, and 45% (190 miles) of canals and laterals needed repair or reconstruction. Structure failures are routine, resulting in progressive loss of control of Project water. Catastrophic failure of segments of the delivery system are imminent, the Dinwoody Canal blowout is but one example. Problems include dilapidated physical structures, inadequate storage, inefficient canals, improperly sized canals, inadequate maintenance and equipment, failure to maintain systems historically, no reserves for required replacement of structures, an inadequate financial management system, no voice for irrigators in the system operations and maintenance (O&M), and a land leasing system which prevents productive use of the lands. Resolving these problems will involve a combination of traditional engineering and creative thinking. The needs and problems have been there for decades. The solution needs to involve both physical improvements and changes in the way the federal government has been doing business with respect to this project. The Wind River Reservation irrigation rehabilitation and betterment project will develop real world solutions, factual data, and recommendations which will bring Indian irrigation project up to the level of other federally sponsored irrigation projects and provide options to make the project as self-sufficient as possible in the long run.

The rehabilitation and betterment project will allow for full use of reserved water rights within the BIA project and other Indian irrigated lands on the Reservation. The Tribe's Treaty-based right to approximately 210,000 acre feet of historically used reserved water rights was affirmed by the U.S. Supreme Court in 1990. Within the past year, thousand of additional acres owned by successors to Indian allottees were awarded reserved water rights. The system in its present state of repair, configuration, and storage capacities is unable to delivery this water in fulfillment of those rights. The storage capacity in the Little Wind River portion of the irrigation system is barely sufficient to meet the needs of the reserved rights of the Tribe for which they were part of the water supply basis for the Tribe's award. Therefore, the rehabilitation and betterment project includes funds to enlarge Ray Lake to meet the needs of water users within the Little Wind River drainage. Importantly, if we can get the funds to enlarge Ray Lake now they can be combined with already appropriated safety of dams funds to repair safety problems. This will create cost savings over doing enlargement and safety repairs separately.

In addition to the BIA project, there are some individual irrigation ditches, including an area of the Reservation known as the Arapaho Ranch, which are in need of rehabilitation and betterment. These areas include lands owned by individual tribal members and the joint tribes. These lands also deserve to have their lands served by decent irrigation systems.

The Shoshone Tribe has experience with irrigation rehabilitation. The Tribe has completed studies of the long term needs of the project. With limited funding in the early 1990s, the Tribe was able to fix some key structures. In addition, the Tribe tested ideas for construction techniques, pipelines, canal lining, and on-farm improvements. The Tribe has experienced first hand the results of the BIA's failure to properly maintain the system. The Tribe has had to deal with major canal blowouts and safety of dams issue at irrigation reservoirs. Importantly, the Tribe has approached the project not only from the physical

structure standpoint, but also have done reviews for the management, finances, and maintenance of the project.

A. Use of Irrigation Funds

The Project will implement solutions in the areas of physical improvements, management, maintenance, equipment, project finances, governing structure, and on-farm improvements. Funding for the project will occur over five years, provided that completion of physical improvements may extend over a longer period of time. The intended goals in each area are as follows:

1. *Physical System.* The Project shall assess and identify the physical condition of the system, make necessary repairs or replacements, and reconfigure portions of the project as appropriate. The construction work shall be planned to provide the least disruption to ongoing farming operations.
2. *Management.* The Project will identify the adequacy of the existing formal and informal organizational structures, determine the suitability of rules that govern the Project, and make recommendations to correct any deficiencies or to improve the system. The Tribe will review potential organizational structures which take into consideration the rights and responsibilities of the Tribe, the water users, non-water user landowners, and the federal government. The Tribe may come back to Congress if additional authority is necessary to implement changes in the organizational structure of the Project. The Management review will identify recommendations for staffing, water requests, for delivery of water, water measurement, drought conditions, and enforcement. The Tribe also will review the land leasing procedures related to development of the lands served by the project to improve the ability of landowners to have their lands be productive. This will generate income to cover O&M charges.
3. *Finances.* The Tribe will complete evaluation of the financial stability and financial controls of the project. The report shall evaluate the long term viability of the project and identify means for funding operations and maintenance and reserves for future rehabilitation needs. The Tribe shall evaluate issues of ability to pay, collection of delinquencies, and accountability.
4. *Maintenance and Equipment.* The Project shall evaluate and determine the existing inventory of equipment, its condition, and its suitability. The relative costs of equipment also shall be identified. The Tribe will implement recommendations concerning recommended levels of equipment needed for the irrigation project.

5. *On-Farm Practices.* This portion of the project will involve a review of the existing farming systems, develop sample farm budgets, determine the potential for improved farming systems, and determine the present and future ability of water users to pay for construction, operation, and maintenance. The Tribe will analyze cropping patterns and make recommendations for changes and associated educational efforts. The relative costs of categories of on-farm enhancements shall be developed. Cost savings achieved in the other areas of the Project, including set aside of reserves, shall be made available on a cost-share basis for on-farm improvements.

The estimated Project Funding is listed below:

A.	System Rehabilitation and Betterment	\$35,000,000
B.	Ray Lake Expansion	\$25,000,000
C.	Individual Irrigation Ditches, including Arapaho Ranch	\$2,000,000
D.	Implementation of Management, Financial, and Operation and Maintenance Changes	\$3,000,000
	Total	\$65,000,000

The authorizing and appropriating legislation should indicate that the funding is non-reimbursable and available until expended. The United States promised the Tribe in 1905 to construct an irrigation system. The BIA's failure to maintain the system over the years has prevented landowners from obtaining the revenue and value from their lands achieved by their non-Indian neighbors. Therefore, making the rehabilitation and betterment project non-reimbursable is fair and equitable.

I believe that funding of the Wind River Irrigation Project rehabilitation and betterment program may be a useful pilot project to identify the issues, concerns, problems, and successes in bringing Indian irrigation projects up to levels equivalent to other federal irrigation projects.

#### **IV. HOUSING**

The lack of adequate housing affects health, educational achievement, and work performance. Many of our people live in substandard housing. For those who are lucky enough to live in a decent home, it may be shared with two or three other families.

Reading with a child when they are infants and toddlers has been shown to have significant benefits in educational success. You can't expect a parent to read to a child when they have to spend their time just trying to keep the child warm in a house where being inside is not materially different than being directly out in the elements. Throughout Indian country there are a number of deaths each year due to fires in homes with inadequate wiring or heating systems. Importantly, we also have people who live in homes where fire is the sole source of heat and there is no running water.

There is a large need for additional housing on our reservation. In our housing improvement program which serves elderly and handicapped low income individuals we have 110 homes which need repairs. For our general housing program, there is an unmet need of 75 homes. For example on the Wind River Reservation, 22.8% of the dwellings have more than one family living in them. Housing support for large land-based tribes such as the Eastern Shoshone Tribe also needs to take into consideration the rural nature of our reservation. Basic services such as water, electricity, telephone, and Internet are greater on a per household basis. In addition, costs of transportation of materials to building sites is greater. Congress needs to make full housing for Indian families a goal of the 107<sup>th</sup> Congress.

## **V. TAXATION**

The Eastern Shoshone Tribe urges amendments to federal laws to provide tax relief to existing and potential taxpayers so that the benefits of increasing the economic base of the Wind River Reservation can be maximized. The Tribe requests passage of H.R. 224 which extends the Indian employment credit and depreciation rules for property used predominately within an Indian Reservation. We also seek amendments to federal laws to treat our Tribe as favorably as state governments for taxation purposes by expanding our authority to issues tax exempt bonds for development purposes and to issues such bonds for private activity purposes. The Tribe also desires amendments to the payment in lieu of taxes ("PILT") program which will allow tribes to receive the same benefits as state and local governments which have non-taxable federal lands within in their jurisdiction. Finally, Congress should prohibit dual taxation of Reservation resources by states, or in the alternative, require that 100% of such collected taxes be returned to the Tribal government to provide services on the Reservation.

The ability of any government to provide basic services to its residents is dependant on a viable tax base. The viability of Reservation tax bases has been undercut by legislation and court decisions throughout the years. The United States cannot in good conscience tell the tribes it is their responsibility to create a vibrant economy, but eliminate or fail to provide the necessary tools.

I agree that we have a responsibility for creating viable communities on our Reservation. To that end, we are upgrading and adding new business related laws to provide certainty and predictability to entities doing business on the Reservation. In addition, we have established an economic development

corporation to spearhead and facilitate increased business activity on the Reservation. However, we need the additional tools described above to achieve our goal of full employment in quality jobs.

## **VI. DROUGHT**

We are in our second year of major drought on the Wind River Reservation. Throughout the Reservation, we are looking at water supplies of from 17% to 41% of normal. This low water supply follows on last year which was only marginally better. Many of our reservoirs have significantly reduced storage. For example, it is estimated that Washakie Reservoir may be out of water except for a reserve for the municipal systems by the time of this hearing. These conditions have reduced the carrying capacity of our rangelands, reduced yields on crops such as hay and alfalfa used for winter feed, and placed drinking water systems at risk.

For many of our residents, Indian and non-Indian, income from growing forage crops or the raising of cattle is the difference between being able to pay the fuel bill or eating. We are doing everything we can to stretch the use of the water to the maximum, but that will not be enough. We need to begin immediately to get drought assistance out to the Reservation before we have a catastrophe. Getting assistance known to our farmers and ranchers now will prevent greater hardship this winter.

In addition to immediate relief, Congress should provide authority to tribes to declare areas on reservations as disaster or drought areas. Many times with the competing interests claiming state officials time we get left behind or it is assumed that the federal government is addressing all our needs. Providing the authority to Tribal chairman under the same conditions used by Governors will make sure emergency needs of our members are addressed in a timely fashion.

## **VII. TELECOMMUNICATIONS**

As you are well aware, adequate telecommunication service is vital to competing in the current economy. Moreover, access to a basic phone can mean life or death in an emergency in the rural areas of our Reservation. The Eastern Shoshone Tribe urges passage of S. 761, *Native American Telecommunications Improvement and Value Enhancement Act* or similar legislation.

Telecommunication infrastructure on the Wind River Reservation is significantly below average, even for rural Wyoming. Telecommunications is an area of commerce the inferior quality of which presently affects every aspect of life here on the Wind River Reservation. Attached as Exhibit 4 is a copy of the Tribe's comments to the Federal Communications Commission concerning the telecommunication problems and needs on the Reservation.

The Tribe has been investigating and pursuing solutions to our telecommunications problems during the past couple of years. We see a low-interest loan program for improvement of telecommunications services on Indian reservations, such as the one proposed in S. 761, as an important part of an overall solution. The availability of quality telecommunications is important to our ability to increase economic activity on the Reservation.

## **VIII. ROADS.**

Congress needs to allocate more resources to Reservation roads. We maintain currently over 300 miles of road on our Reservation with at least an equal amount in disrepair because they cannot be accommodated in the current maintenance program. It is difficult to attract business to the Reservation when the basic infrastructure of roads and utilities are lacking. Inadequate roads make life in Indian country harsh and sometimes tragic—as Indian people are often prevented by road conditions from attending schools, obtaining needed health care, and getting to work. Without the basic infrastructure in place, many companies will not even look at the possibility of locating on a reservation.

As Congress addresses reservation road needs, standards for road construction on reservations must be mandated. Some minimal level of quality needs to be established either federally or be provided through adoption of Tribal standards. We have new roads being built with federal dollars which are not designed to any industry recognized standards. When questions are raised by the Tribe, we are told “Trust us [BIA], we know how to build roads.” There is very little if any quality control involved in road construction projects on our reservation. We must assure that the roads which are built are quality roads so Congress does not need to expend funds to repair them in 10 years instead of the normal 20 year life of a road.

## **IX. AGRICULTURE**

The Tribe is responsible for administration of 1.8 million acres of rangeland, 40 tribal farm assignments, and 60 thousand acres of irrigated/subirrigated/dry pasture lands. In order to protect, enhance, and manage these resources on trust lands, additional staff is necessary to provide technical assistance and to address deficiencies required to manage these lands. To bring staffing equivalent to that of other Federal agency staffing, we need: a soil scientist, soil conservationist, soil conservation technician, civil engineering technician, laborer, environmental scientist, GIS specialist, and livestock officers.

## **X. TRIBAL COURTS**

Congress needs to fully fund the Indian Tribal Justice Act nationwide. A key component of the legal infrastructure is a tribal court system. In addition to physical infrastructure, businesses and reservation residents need a working legal infrastructure. A system that can fairly and in a timely manner resolve disputes of a commercial nature is vital to economic development.

Importantly, an adequate tribal court is vital to ensuring the safety of residents of the reservation. A fully operational court system is central to a safe and orderly community. Key to stopping persons from criminal activity is a court system that is adequately staffed with judges, prosecutors, defenders, and probation officers. Holding people accountable when they first get into trouble, in conjunction with options such as a viable job market, are important to reducing crime. The Indian Tribal Justice Act was passed in 1993, the beginning of this new millennium is not too late to implement the goals of the law.

Currently, the Shoshone and Arapaho Tribal Court is understaffed. There are only three judges who hear all cases. There are 3 clerks on staff who process the 3,000 plus civil cases, divorce cases, custody cases and 500 plus juvenile files and take care of the business that flows through the court system everyday. The court system is in dire need of a computerized database on which all cases could be loaded. There is a need for 2 more judges, 3 more clerks, a public defender, a juvenile officer, and a probation officer plus equipment. With the increase to our juvenile cases there is a need for a juvenile officer to monitor juveniles sentences.

## **XI. NATURAL RESOURCES.**

The Eastern Shoshone Tribe requests \$1,000,000 for critical staffing and technical needs in the natural resources area. Land is a key Tribal asset, in addition to our people, and it is central to our Tribe's ability to move forward economically. Putting our land to productive use requires federal approval for almost every individual action. However, lack of manpower in key areas has severely limited wise use of the natural resources and in some cases creates burdens on the land which make it nearly impossible to use. Therefore, I request a specific appropriation for a full time surveyor, appraiser, geologist, and petroleum engineer for the Wind River Reservation. In an effort to partially deal with fractionated interest problems related to leasing of lands, individuals have attempted to consolidate their interests through exchange and partitioning. Services required include surveying reservation boundaries, homesites, trust property boundary disputes, trust partitions, road and utility easements, and to verify the existing old land survey as it relates to trust properties. Appraisers are key to getting leases approved to put land into production, thus generating income for our members. For example, failure to get lands appraised prevents their being leased, which eliminates funds for to pay operations and maintenance charges, which then become a lien which increases the cost of leasing in the future. We also have significant mineral development potential on our reservation. The addition of a geologist, petroleum engineer, and field inspection staff will result in net cost savings because this expertise is hired on a consultant basis at this point in time. The addition of

staff with expertise will expedite the processing of existing proposals as well as assist the Tribe with long term planning for wise use of our mineral resources. The Tribe currently does all physical inspections and monitoring of the oil and gas leases within the Wind River Reservation. With increased funding, the Tribe can be effectively inspect and monitor all oil and gas activity.

## **XII. LANDS INTO TRUST**

In an effort to reduce jurisdictional disputes, increase Tribal income, and provide more jobs to Tribal members, the Tribe has purchased several tracts of lands over the years. We have been attempting for ten years to put those lands into trust. The current system is unworkable and unmanageable. About the time we think we have all the necessary paperwork, the requirements shift. And, we are tribe with specific authority to acquire lands on our Reservation. Congress needs to streamline this process. I recommend that the requirements for on-reservation acquisitions parallel the standards for transfer of excess lands on reservations to tribes.

Congressman Lloyd Meeds eloquently described the value of increasing ownership of lands by within their Reservation when the Federal Property and Administrative Services Act was amended to provide for transfer of excess federal lands to tribes.

Often, Federal lands within [the tribes'] boundaries which are declared excess or surplus would be a Godsend to them – either by providing a new source of income or by providing land upon which to take advantage of many federal social programs.

. . .

The rationale again for this bill is I think in keeping with what we at the Federal level and hopefully at the State levels and other areas of our society have come to look at as a new thrust in Indian matters following very much the admonition and [entreaty] of the President of the United States who in 1970 declared the policy of this Government to be self-determination by Indians. We have gone from assimilation to determination to self-determination, and I think this is certainly in keeping with that to allow Indians to take this property so that they can use it for tribal purposes.

There has been a great awakening in the Indian people in this Nation. Part of that thrust is a desire to increase their economic base, to make their holdings more desirable and more manageable, and to allow them the operation of lands lying within the reservation held by them or by the Federal Government so that they can turn it to tribal purposes. I think I know of no opposition to the bill, and I think it would be one of the most important things we at the Federal level could do in keeping with the total policy of self-determination.

*Hearings on H.R. 8958 To Amend the Federal Property and Administrative Services Act of 1949 To Provide For The Disposal Of Certain Excess And Surplus Federal Property To The Secretary Of The Interior For The Benefit Of Any Group, Band, or Tribe Of Indians Before the Subcommittee On Government Operations, 93rd Cong., 2d Sess. 4, 7 (1974) (statement of Congressman Lloyd Meeds). Congressman Meed's view apply to acquisitions by tribes today. Congressman Meeds advocated strong presumption in favor of adding to the Tribal land base.*

Simply, lands acquired within original Treaty boundaries, including areas opened to non-Indian settlement within those boundaries, should be taken into trust automatically provided the United States would assume no environmental problems. Tribes are not given a voice when lands are purchased and taken out of trust. There is no reason to provide states or local government's a say when such lands go into trust. As mentioned previously, the states tend to only provide minimal services to reservations lands.

### **XIII. COUNCIL OF LARGE LAND-BASED TRIBES**

The Eastern Shoshone Tribes is one of the charter members of the Council of Large Land-based Tribes. The Council was formed because of the recognition of member tribes that the unique issues affecting tribes with large land bases, and in many cases large populations, were not being adequately addressed by either Congress or the Administration. For example, the Department of Interior held a select meeting to discuss the proposed leasing regulations, an issue which affects large land-based tribes the most. No large land-based tribes were invited or represented in the discussions. Likewise, funding formulas which focus primarily on population can disadvantage large land-based tribes. It takes more manpower and equipment to provide law enforcement over 3500 square miles versus 50 acres.

The Council has taken steps to make sure the that positions taken by the Council in support of member tribes are those of the elected leadership of those tribes, not consultants, staff, or others. This assures that as you and your staff deal with the Council you are receiving information which has been approved by the elected officials of the member tribes.

The Committee's recent hearings to gather information on the goals and priorities of tribes for the 107<sup>th</sup> Congress indicate an effort to seek information from a broad range of tribes. As the Committee knows, tribes come in all shapes and sizes. As you consider the whole range of issues affecting American Indians, please be sure that the actions taken or legislation passed is fair to all tribes, including the large land-based tribes.

## CONCLUSION

As my testimony indicates, there are numerous issues involving tribes which need to be addressed by this Congress. Please don't leave us behind again as you deal with the myriad of issues competing for your attention. We do not seek a handout, but treatment consistent with our status as equal citizens, sovereigns, and people. As Felix Cohen, noted Indian scholar, once said "Like the miners canary, the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians . . . reflects the rise and fall in our democratic faith." Let this be a time for fresh air in Congress' dealing with American Indians. I look forward to working with the Committee and its staff to implement these necessary and worthwhile goals.

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